

Mariposa County
Planning Department
P.O. Box 2039
Mariposa, CA 95338-2039

STATE OF CALIFORNIA
COUNTY OF MARIPOSA
PLANNING COMMISSION

Resolution
No. 2010-022

A resolution recommending the approval of Land Conservation Act Contract Application No. 2010-104, APN 014-380-021, Charles Michael and Mary Kathrine Copeland, applicants

WHEREAS an application for a new Land Conservation (Williamson) Act Contract was received on August 3, 2010 from Charles Michael and Mary Kathrine Copeland for a property located at 3388 Woodland Drive in Mariposa, also known as of Assessor Parcel Number 014-380-021; and

WHEREAS the property has been used for agricultural purposes for a minimum of three years; and

WHEREAS the Planning Department circulated the application among trustee and responsible agencies, interested public organizations, and others as appropriate; and

WHEREAS a project review was scheduled for the duly noticed Agricultural Advisory Committee meeting of September 30, 2009; and

WHEREAS a Staff Report was prepared pursuant to the California Government Code, Mariposa County Code, California Environmental Quality Act, and local administrative procedures; and

WHEREAS the Agricultural Advisory Committee did hold their meeting on the noticed date and considered all of the information in the public record, including the Staff Report, testimony presented by the public concerning the application, the comments of the applicant, and their own knowledge of county-wide agricultural operations; and

WHEREAS the Agricultural Advisory Committee recommended that the Planning Commission recommend that the Board of Supervisors establish a new Agricultural Preserve on the subject property and enter into a new Land Conservation Act Contract with the applicant, covering the subject property; and

WHEREAS a duly noticed Planning Commission public hearing for the project was scheduled for the 22nd day of October 2010; and

WHEREAS the Planning Department determined that the establishment of a new agricultural preserve and execution of a new Williamson Act Contract of the property are actions that are categorically exempt from the provisions of the California Environmental Quality Act; and

WHEREAS the Planning Commission did hold a public hearing on the noticed date and considered all of the information in the public record, including the Staff Report,

October 22, 2010

Page 2 of 4 pages

testimony presented by the public concerning the application, and the comments of the applicant.

NOW THEREFORE, BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve a Notice of Exemption.

BE IT THEREFORE FURTHER RESOLVED THAT the Planning Commission of the County of Mariposa does hereby recommend that the Board of Supervisors approve Land Conservation Act Contract Application No. 2010-104 and establish a new Agricultural Preserve on the subject property and enter into a new Land Conservation Act Contract with the applicant, covering the subject property.

BE IT THEREFORE FINALLY RESOLVED THAT the project is approved based upon the findings and conditions set forth in Exhibit 1.

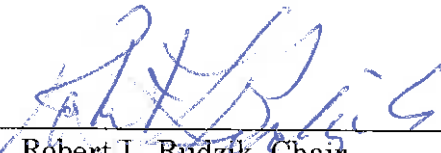
ON MOTION BY Commissioner Marsden, seconded by Commissioner Francisco, this resolution is duly passed and adopted this 22nd day of October 2010 by the following vote:

AYES: Marsden, Francisco, Tucker, Rudzik

NOES: None

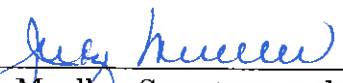
EXCUSED: Ross

ABSTAIN: None



Robert L. Rudzik, Chair
Mariposa County Planning Commission

Attest:



Judy Mueller, Secretary to the
Mariposa County Planning Commission

EXHIBIT 1
PROJECT FINDINGS AND CONDITIONS
FOR

Land Conservation Act Contract Application No. 2010-104

In accordance with Mariposa County Resolution No. 10-150 implementing the Land Conservation Act in Mariposa County and California Government Code Section 51257 (Williamson Act Law), the following findings are made:

1. **FINDING:** The project is found to support, accomplish, or have no effect on the goals, policies, and standards of the General Plan as a whole and will not obstruct the achievement of the Plan's purpose.

The Land Conservation Act promotes the preservation and development of agricultural lands, as encouraged by the Agricultural Element and its emphasis on preserving agricultural lands (Section 10.1.01 of The General Plan), and maintaining the rural character of the county (Section 10.1.04 of The General Plan). The Conservation and Open Space Element confirms the importance of maintaining open space nature of the county. This project will result in the execution of a Land Conservation Act contract, which is a 20 year commitment to agriculture and open space uses for the site. The preserve is consistent with the General Plan, with the recommended condition. The current and past use of the property is for agricultural purposes. This finding is made in accordance with Section 51234 of Government Code.

2. **FINDING:** The agricultural preserve will contain 240 acres. The parcel meets the minimum size established by the Board of Supervisors for an agricultural preserve. The use of this property for cattle grazing, goat grazing, sheep grazing and/or other Agricultural Production Uses or Compatible Uses as specified in the contract must be for producing an agricultural commodity for commercial purposes. The project, upon compliance with the required condition, complies with all standards of the California Land Conservation (Williamson) Act and the Mariposa County Agricultural Preserve Policy. The parcel has been used for agricultural purposes for at least three years, and the agricultural commodity has been for commercial purposes. Written verification has been received from the previous property owner and a neighbor stating that the previous caretaker of the property grazed on average 80 head of sheep and goat, which were later sold to dairies or for meat.
3. **FINDING:** This project is Categorically Exempt based on the following: Class 17; Section 15317, CEQA Guidelines

Recommended Conditions:

1. The owner of the parcel proposed to be contracted with the Land Conservation Act contract shall, prior to recordation of the contract, submit a complete application to change the zoning of APN 014-380-021 to Agricultural Exclusive. All fees for processing the application shall be the responsibility of the applicant. All required application materials, including any necessary requirements for an environmental determination shall be the responsibility of the applicant.

2. Certificate of compliance applications shall not be processed during the term of this contract unless accompanied by a Parcel Merger Application for parcels which do not comply with the minimum parcel size and agricultural productivity requirements of state law and the Mariposa County Rules of Procedure to Implement the California Land Conservation Act of 1965.